

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JANUARY 22, 2009**

**DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER**

Consent Discussion

SUBJECT:

ABEYANCE - GPA-29877 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CAROLYN AHERN - Request to Amend a portion of the Northwest Sector Plan of the Centennial Hills Plan FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) TO: GC (GENERAL COMMERCIAL) on 1.66 acres on the east side of Oso Blanca Road, approximately 850 feet north of Kyle Canyon Road (APN 126-01-601-016), Ward 6 (Ross)

C.C.: 02/18/2009

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

Planning Commission Mtg.

City Council Meeting

City Council Meeting

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. E-mail from Bruce Bilyeu
4. Supporting Documentation
5. Photos
6. Justification Letter
7. Support Postcard

Motion made by BYRON GOYNES to Approve and adding the following condition as read for the record:

A. The approval is from PCD (Planned Development) to SC (Service Commercial).

Passed For: 4; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

VICKI QUINN, BYRON GOYNES, GLENN TROWBRIDGE, RICHARD TRUESDELL; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-STEVEN EVANS, KEEN ELLSWORTH)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open for Items 13-16.

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PETER LOWENSTEIN, Planning and Development, stated that the applicant requested to amend the General Plan Amendment to SC (Service Commercial) and the rezoning of the site to C-1 (Limited Commercial). Staff supported the applicant's request as it is compatible with the surrounding area. The applicant has made some revisions to the proposed development which eliminates the need for a parking variance. However, the site still requires waivers of the building placement and landscape standards, as well as a variance for the rear yard setback requirement. As these design issues could be alleviated by alternate site design, staff recommended denial of the Variance and Site Plan Review as it was a self imposed hardship.

ATTORNEY ROBERT GROESBECK, 145 East Reno Avenue, appeared on behalf of the applicant and stated that the site is very unique and triangular in shape. The landscaping on the corners exceeds the requirements. Regarding the car wash setback, it cuts off on the south side and should not have a negative impact on any business. Showing the elevations, he believed that this location is an ideal site for the proposed uses. They have been working on this project for a long time and recently the property was annexed into the City. He expressed a concern with Condition 24 of the site plan. BART ANDERSON, Public Works, explained there may be a closer or more suitable sewer location and suggested an amendment to the condition, which he read for the record. ATTORNEY GROESBECK concurred and asked for approval.

COMMISSIONER TRUESDELL asked if there was a layout of Kyle Canyon. DEPUTY CITY ATTORNEY JIM LEWIS advised that the alignment is not a concern at this time. It is a master plan in which a project may or may not happen.

COMMISSIONER TRUESDELL agreed that the variance is unwarranted and wondered how many residents attended the neighborhood meeting. ATTORNEY GROESBECK confirmed none were present.

CHAIR TROWBRIDGE believes the abundant landscaping compensated for the variance requested for the perimeter landscaping and noted that the encroachment is adjacent to the freeway and not residential.

DOUG RANKIN, Planning and Development, clarified that the application would be amended to SC (Service Commercial) and not GC (General Commercial). ATTORNEY GROESBECK concurred with all conditions including the amendment.

CHAIR TROWBRIDGE declared the Public Hearing closed for Items 13-16.